ICG F2F #6

September 18-19, 2015

Agenda – Day 1

9:00-9:30	Welcome, agenda, overview of comments received, comment analysis process overview (Chairs)
9:30-9:45	Determine general support for moving forward (Chairs)
9:45-10:30	Comment analysis: - Jurisdiction (Martin) - PTI and related bodies (Lynn)
10:30-11:00	Break
11:00-13:00	Comment analysis - PTI and related bodies continued (Lynn) - Root zone maintenance and administration (Milton)
13:00-14:00	Working lunch: Editorial fixes to Part 0 (Chairs)
14:00-15:00	Dependency on CCWG, timeline (Chairs and liaisons)
15:00-15:30	Comment analysis - Root zone maintenance and administration continued (Milton) - IANA IPR (Martin)
15:30-16:00	Break
16:00-16:45	Comment analysis - ICG Criteria: Completeness (Q1) (Milton)
16:45-17:00	Day 1 wrap-up (Chairs)

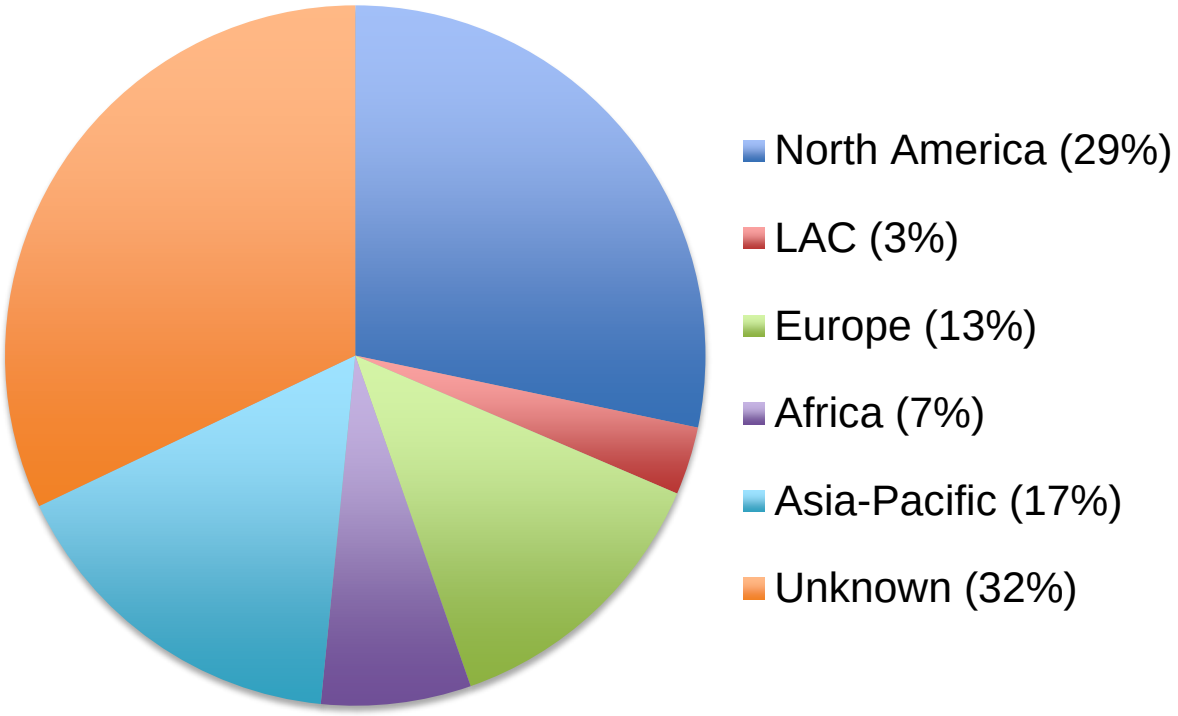
Agenda – Day 2

9:00-10:00	Items leftover from Day 1
10:00-10:30	Comment analysis - ccTLD issues (Wolf-Ulrich)
10:30-11:00	Break
11:00-13:00	Comment analysis - NTIA criteria (Joe) - ICG criteria (Chairs)
13:00-14:00	Working lunch: Future call and meeting planning (Chairs)
14:00-14:45	Role of ICG in implementation phase (Chairs)
14:45-15:30	Items leftover from earlier sessions
15:30-16:00	Break
16:00-16:30	Items leftover from earlier sessions Comment analysis (time permitting) (Chairs) - Process issues - Institutionalization of NTIA criteria
16:30-17:00	Action items review (Chairs and secretariat)

Overview of comments

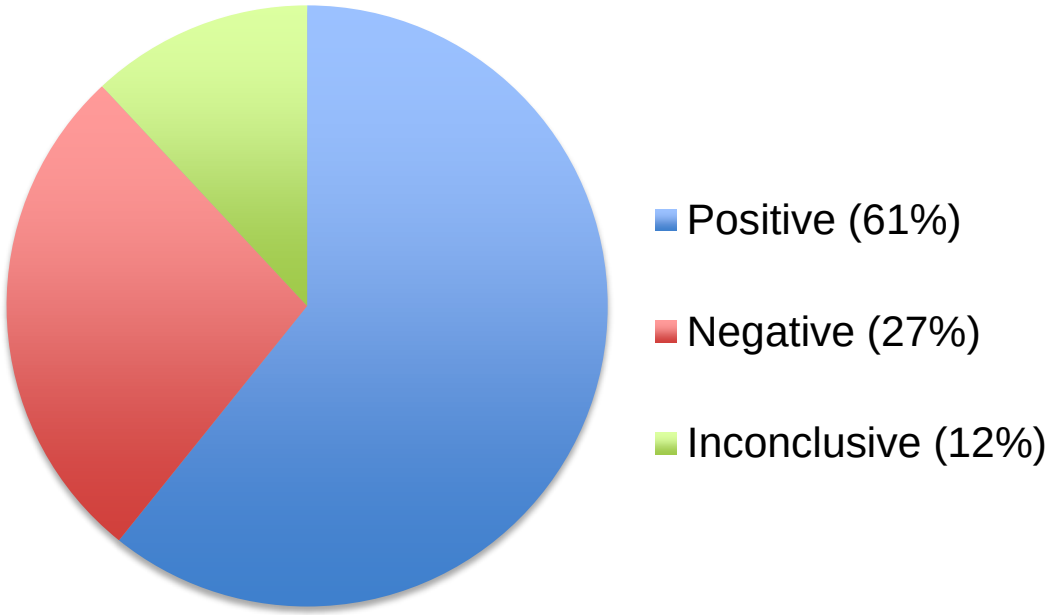
- 157 comments received (approximate)
  - 149 in English; 8 in other languages

- Geographic distribution (approximate)



Overview of comments

- Majority of comments seem supportive of the proposal



- Supportive comments from individuals, OCs, SOs/ACs, businesses, civil society groups, governments, others
- Opposing comments primarily from individuals, with several exceptions

Potential ICG actions in response to comments

1. Add text to Part 0
2. Edit existing text in Part 0
3. Edit FAQ, timeline, or other ICG documentation
4. Forward comments to OC(s)
5. Craft one or more questions to send to OC(s)
6. Take no action
7. Others?

Reminder about existing content of ICG Report (Part 0)

I. Introduction
II. Process Summary
III. Proposal Summary
IV. ICG Assessment
    A. Community Processes: Openness, Inclusiveness, and Consensus
        1. Names
        2. Numbers
        3. Protocol Parameters
    B. Completeness and Clarity
    C. Combined Proposal Assessment
        1. Compatibility and Interoperability
        2. Accountability
        3. Workability
    D. NTIA Criteria
        1. Broad community support
        2. Support and enhance the multistakeholder model
        3. Maintain the security, stability, and resiliency of the Internet DNS
        4. Meet the needs and expectations of the global customers/partners of IANA
        5. Maintain the openness of the Internet
        6. Does not replace NTIA role with a government or inter-governmental org
    E. ICG Recommendation
V. Implementation Items to be Completed

Do the fundamentals of the proposal have broad community support?

Notes about comment analysis slides (before we dive in)

- Point to themes/trends
- Do not provide comprehensive list of all commenters who mentioned a specific point
- Do not reflect comments that are generally supportive of proposal as-is

Jurisdiction

A. **Proposal is flawed for giving up US government control** (G. Roberts-10, D. Shawver-20, E. Masters-21, M. Darby-143, J. Ludwig-146, W. Kaimer-155)

B. **Proposal is flawed for leaving US government with jurisdictional and legislative authority over ICANN and IANA, not making them subject to international law/jurisdiction** (JustNet-18, JustNet-19, R. Dara-23, CONAC-50, CAICT-80, CIS-126, DSCI-130)

C. **Discussion about ICANN's legal jurisdiction should continue in the future** (CCAOI-69, N. Wang/Zhu-91, Alibaba-159)

D. **Support for proposal's existing treatment of jurisdiction** (Nominet-47, INTA-110)

PTI and related bodies

A. Fundamental issues

1. PTI-as-an-affiliate does not offer meaningful separation or oversight (JustNet-18, S. Randel-33, DotConnectAfrica-44, .NA-85, INTA-110)
2. Internal solution preferred (DomainMondo-53)
3. Multistakeholder organization should perform IANA functions (DSCI-130)

PTI and related bodies

B. Details about relationships (B. Carpenter-2, R. Dara-23, Google-31, Dyn-34, CONAC-50, ISPCP-64, IAB-72, J. Panday-89, IA-103, F. Hopkinson-105, CDT-107, P. Nagaraj/G. Varma-113, NCSG-114, Access-116, ICANN Board-121, Intel-122, K. McCarthy-128, DSCI-130, CRISP-133)

1. Clarify that IETF and RIRs will contract with ICANN, not PTI
   a. Affirmed by 72, 133
2. IETF and RIR MoUs/SLAs need to clarify that subcontracts are allowed
3. Details of subcontract(s) between ICANN and PTI for protocol parameters and numbers need to be worked out during proposal phase
4. More detail about selection process for CSC and IFR is needed (50)

PTI and related bodies

B. Details about relationships (cont'd) (B. Carpenter-2, R. Dara-23, Google-31, Dyn-34, ISPCP-64, IAB-72, CAICT-80, J. Panday-89, ISOC China-95, IA-103, F. Hopkinson-105, CDT-107, P. Nagaraj/G. Varma-113, NCSG-114, Access-116, ICANN Board-121, Intel-122, K. McCarthy-128, DSCI-130, CRISP-133)

5. Separation between ICANN and PTI
   a. PTI offices, information infrastructure, and business-critical systems should be physically separated from ICANN (114)
   b. PTI should be required to document how is is separate from ICANN (23, 89)
6. Performance reviews of IFO; participation of OCs in IFR, CSC
   a. Proposal should clarify that IFR applies only to names (34, 72), CSC applies only to names (2)
   b. Numbers and protocol communities do not plan to participate in IFR or CSC (72, 133)
   c. Having multiple IFO review processes is duplicative (128)
   d. Complying with IFR recommendations should be mandatory for PTI (80)
   e. Principles on which IFR will be based should be articulated (95)
7. NRO/RIRs not capable of holding contract with ICANN (105)

PTI and related bodies

c. Remit of PTI / PTI Board (D. Huberman-29, Google-31, CONAC-50, PiRRC-51, USCIB-81, ICANN BC-92, ISOC China-95, PK-102)

1. Remit of PTI and/or PTI Board needs to be explicitly limited (29, 81, 92, 102)
2. Composition of PTI Board
    1. CWG should be asked to consider that PTI Board be comprised of the ICANN Board itself or a subset of ICANN board members (31, 92)
    2. Caution against a PTI Board entirely represented by governments and/or private companies (102)
    3. PTI Board should be geographically balanced (50)
3. Proposal should describe how PTI Board selection process will be decided (51, 95)
4. Limited remit should be embodied in the CWG's proposed set of guiding principles for PTI's service level expectations? (92)

PTI and related bodies

D. **Separation processes** (R. Dara-23, D. Huberman-29, PiRRC-51, NZ gov-56, USCIB-81, CENTR-83, ALAC-88, J. Panday-89, ICANN BC-92, PK-102, IA-103, A. Doria-104, F. Hopkinson-105, CDT-107, INTA-110, ICANN Board-121, IPC-125, CIS-126)

1. More clarity needed about escalation processes prior to separation, who will be involved in them, what standard should be for separation (29, 51, 81, 83, 88, 92, 102, 103, 105, 121)
   a. Should escalation process be simplified? (56)
   b. Different separation scenarios should be listed and include a risk assessment at a high level, including financial impacts (83)
   c. OCs should establish separation coordination process (during implementation phase) (88, 107)
   d. Concern over expanded GAC role in Separation Working Group (125)
   e. RIRs must establish a dispute resolution process (89)

PTI and related bodies

D. **Separation processes (cont'd)** (R. Dara-23, D. Huberman-29, PiRRC-51, NZ gov-56, USCIB-81, CENTR-83, ALAC-88, J. Panday-89, ICANN BC-92, PK-102, IA-103, A. Doria-104, CDT-107, INTA-110, ICANN Board-121, IPC-125, CIS-126)

2. Separation process should not require ICANN Board approval (110)
3. ICG should ensure that the Continuity and Contingency Document that resides in ICANN be updated to address partial separability should 1 or 2 of the OCs decide to move to a new IFO, and included in transition proposal (23)
4. Do all three OCs accept the fact that each of the other OCs may choose to move to a different IFO in the future? (29)
    a. Separation Working Group relies on Sole Member – is this okay given that protocol parameters and numbers are not represented? (29, 89, 92)
5. IANA functions should not be allowed to separate from each other (104)
6. IANA functions should be run by three separate entities to ease movement to new operator(s) (126)

E. **Bodies established in names proposal represent GNSO community at stakeholder level** (IPC-125)

Root zone maintenance and administration

A. **Lack of existing agreement between RZM and IFO concerning Root Zone maintenance; unclear if proposal from VeriSign/ICANN meets communities' requirements** (ISOC-32, Nominet-47, KIGA-66, CCAOI-69, PK-102, IA-103, IPC-125)

B. **IFO-RZM agreement needs additional review or development**

1. It should be developed through a multi-stakeholder process (R. Dara-23, USCIB-81, J. Panday-89, P. Nagarj/G. Varma-113, CIS-126)
2. ICG should request SSAC's review (ICANN BC-92, IA-103)
3. Existing proposal lacks detail (IPC-125)

C. **Architectural standing committee**

A. Final proposal should include a non-exclusive list of examples of root zone changes that would be subject to architectural standing committee review (USCIB-81, ICANN BC-92)

B. Standing committee should include a GAC representative (India-131)

Root zone maintenance and administration

D. **Final proposal should state who the RZM will be** (Sweden-87, J. Panday-89, ICANN BC-92, DSCI-130)
   1. Proposal fails to explain who will authorize RZ changes post-transition (Sweden-87, DSCI-130)
   2. RZM should be appointed through an open process (India-131)

E. **Unclear why RZA process is being eliminated** (89, 113)

F. **Unclear whether ownership of root zone file will be transferred** (.NA-85)

Editorial issues

A. IETF raised two transition points that are mentioned in Paragraph 3062 of the proposal. We would ask that they be referenced in Part 0, Section V of the proposal as well. (IANAPLAN-28, E. Lear-37)

B. IANAPLAN draft expired July 10, 2015 (ISPCP-64)

C. We would suggest the improvement of the diagram in p.10, in which the relationship between the review mechanism of Number Community and PTI which practically assumes IFO is unclear. Unlike the protocol parameters, and CSC for names function, the arrow for performance review points to ICANN. (JPNIC-78)

D. Clarification needed about relationship between IANA functions and freedom, free speech? (M. Lesage-6, A. Knabenbauer-15, J. Ludwig-146)

Dependency on CCWG, timeline

IANA IPR

A. **Holder of IPR should be accountable to all three communities** (R. Dara-23, J. Panday-89, IPC-125)
   1. Holder of IPR needs to be able to satisfy needs of names community (A. Doria-104)
B. **Impact assessment should be conducted about effects of a possible separation on the IP Rights and IANA operations** (CENTR-83)
C. **Detailed proposal for IPR handling required before proposal can be submitted to NTIA** (INTA-110)
D. **Support IETF Trust as holder of IPR** (ISOC-32, NCSG-114)

ccTLD issues

A. **References in Section P1.II.A.i., "Affected IANA Service (ccTLDs)"** (ccNSO-49, .NA-85, J. Panday-89, InternetNZ-123, CIRA-134)
   1. Framework of Interpretation is no longer pending
   2. ccNSO Council requests appropriate editorial changes, which can be achieved by removing the reference to ICP-1 in section 1036 altogether, and including a footnote referencing the removal clearly indicating the non-status of ICP-1 as well as News Memo 1 and GAC Principles from 2000 (the latter having been formally superseded by the GAC).

B. **Proposal does not include appeals mechanism for ccTLD delegation/redelegation; PDP will take time to develop and no timetable exists; stopgap needed** (NZ-56, COA-100, InternetNZ-123, IPC-125)

C. **Propose that IFR be changed to make the 1 non-ccNSO ccTLD member recommendation be an option rather than a mandate** (KIGA-66)

D. **Transition carried out under this proposal would worsen the positions of ccTLD Managers, both individually and collectively** (.NA-85)

E. **SLEs are crucial for IANA Functions Customers and as such should be part of the complete ICG proposal** (CENTR-83, NORID-141)

ICG Criteria:
Completeness and clarity
Compatability and interoperability
Accountability
Workability

Completeness of the proposal (Q1)

Item	Before proposal goes to NTIA	During implementation (before contract expiry)
1. Finalize CCWG Work Stream 1 proposal	DomainMondo-53, ISPCP-64, CCAOI-69, USCIB-81, .NA-85, J. Panday-89, N. Wang/Zhu-91, ICANN BC-92, IA-103, CDT-107, afTLD-108, US Chamber-109, INTA-110, NCSG-114, AFNIC-117, IPC-125	
2. Conclude RIRs' SLA with ICANN	JustNet-18, CCAOI-69, CIS-126	Dyn-34, CRISP-133, ICANN Board-121
3. Establish Service Level Expectations for names	CENTR-83, InternetNZ-123	Nominet-47, ICANN Board-121
4. Conclude IETF SLA with ICANN		ISOC-32, ICANN Board-121, IPC-125
5. Determine holder of IANA IPR and requirements on that entity	JustNet-18, CCAOI-69	ISOC-32, Dyn-34, Nominet-47, N. Wang/Zhu-91, LACTLD-93, NCSG-114, CRISP-133
6. Conclude agreement between IFO and RZM	N. Wang/Zhu-91, F. Hopkinson-105, P. Nagarj/G. Varma-113, CIS-126	ISOC-32, AFRALO-35, KIGA-66, NCSG-114, Intel-122, IPC-125

Completeness of the proposal (Q1)

Item	Before proposal goes to NTIA	During implementation (before contract expiry)
7. Finalize numbers review committee charter		CRISP-133
8. Affirm protocol parameters data is in public domain		Dyn-34, IAB-72, J. Panday-89
9. Conclude agreement that protocol parameters IFO transition would be adequately supported		Dyn-34, IAB-72
10. Establish details regarding PTI structure; CSC, IFR appointments	CONAC-50, Alibaba-159	ISOC-32
11. Update ICANN bylaws		PiRRC-51
12. Establish PTI Board selection process		PiRRC-51
13. Transition plan for registries where multiple OCs are involved		ICANN Board-121
14. Numbers and protocol parameters communities must establish jurisdiction	CIS-126	
15. Confirmation of who holds ownership rights of IANA assets	F. Hopkinson-105	

Compatibility of the three proposals (Q2)

- Approx 50 comments that answered this question without equivocation
  - Majority of those felt proposals are compatible
  - Those that felt proposals are incompatible generally opposed proposal or transition overall
- Most other commenters who spoke to compatability raised specific issues highlighted elsewhere in these slides (e.g., IANA IPR, PTI, etc.)

Accountability (Q3)

- Addressed on other slides

Workability (Q4)

A. Majority of commenters who addressed workability (approx 48 out of 60 commenters) believe proposal is workable or conditionally workable assuming resolution of issues discussed elsewhere in the slides

B. Most commenters who do not believe proposal is workable oppose proposal or transition overall

C. Some workability issues commenters raised that are not highlighted elsewhere in the slides:

1. ICANN must be turned into a California for-profit corporation to become accountable (.UNO-79)
2. ICANN Board can alter its own rules while recall procedure is in process (J. Laprise-9)

NTIA Criteria -- Summary

- Majority of commenters who addressed criteria believe criteria are either met by the proposal or will be met conditional on specific issues being addressed (related to CCWG accountability, PTI, separation processes, RZM, IANA IPR, etc.)

NTIA criteria: support for multistakeholder model (Q5)

A. Majority of commenters who answered this question (approx 62 out of 77 commenters total) believe proposal supports multistakeholder model

B. Some arguments commenters made about why the proposal does not support the multistakeholder model:
   A. Oversight is given to ICANN constituencies which are dominated by the domain name and address industry (JustNet-18)
   B. Proposal is not consistent with Tunis Agenda because in the governments would not be able to exercise their proper role and responsibilities regarding public policy matters (JustNet-18)
   C. Community as yet has not been involved fully in the development of this proposal, largely because of the timeframe allocated (DotConnectAfrica-44)
   D. Missing adequate civil society, academia and government involvement in IETF- and NRO-processes (CIS-126)
   E. Adds a lot of additional and unnecessary process to the current simple process (K. McCarthy-128)
   F. Proposal needs to have specific plans for proactively engaging and including global customers into the process that would otherwise, due to cultural and linguistic reasons, might otherwise not be included (Huyi-152)

NTIA criteria: maintains security, stability, and resiliency of the DNS (Q6)

A. Majority of commenters who answered this question (approx 42 out of 58 commenters total) believe proposal supports security, stability, and resiliency of the DNS, or believe so conditional on resolution of questions concerning PTI, separation processes, RZM, etc.

B. Some arguments commenters made about why the proposal does not maintain security, stability, or resiliency:

1. Stability is in danger based on the creation of alternative DNS resolution system(s) by countries disgruntled at either the ICANN seat in US or because DNS is "unilaterally overseen by the domain name and address industry" (JustNet-18)
2. Depends on the extent to which the accompanying accountability enhancements affirm and support ICANN's responsibility to negotiate, interpret and enforce contracts for management of DNS functions such as gTLD domain name registration (IPC-125)

NTIA criteria: meets needs and expectations of IANA partners and customers (Q7)

A. Majority of commenters who answered this question (approx 32 out of 48 commenters total) believe proposal meets needs and expectations of IANA partners and customers
   1. Includes customers and partners themselves – registries, RIRs

B. Most comments expressing skepticism about this question are addressed elsewhere in the slides

NTIA criteria: maintains openness of the Internet (Q8)

A. Majority of commenters who answered this question (approx 32 out of 44 commenters total) believe proposal maintains openness of the Internet

NTIA criteria: does not replace NTIA with government or intergovernmental solution (Q9)

A. Majority of commenters who answered this question (approx 37 out of 47 commenters total) believe proposal does not replace NTIA role with government or intergovernmental solution

B. Some concerns commenters raised (aside from US jurisdiction):
   A. As ICANN and the IANA functions would remain incorporated in USA and be governed by US laws, and the agreement of VeriSign with NTIA would be still operational, the role of US government remains a concern to the global community. (CCAOI-69)
   B. Fears that PTI might seek "international organization" status (INTA-110)
   C. Voting role for the GAC in the CCWG proposal significantly expands the GAC's mandate within ICANN, including (but not limited to) IANA-related matters (IPC-125)
   D. Ownership of ccTLDs by many governments may also mean that governments will be in a stronger position in the CSC (IPC-125)
   E. Given the fact that the ICG proposal does not demand any form of legal immunity for the core technical operation of the DNS system, it does not preclude governmental interference in the DNS system. (CIS-126)

Potential future work and coordination for ICG and OCs

A. During implementation phase
   1. ISOC-32: Communities need to determine how to remain involved
   2. A. Doria-104: Consider a mechanism that allows communities to confer and cooperate
   3. ICANN Board-121:
      1. General request to provide prioritized list of implementation items
      2. OCs that jointly manage registries must specify what happens in event of partial separation of IFO
   4. J. Panday-89:
      a. Implementation decisions should be open to OCs and multistakeholder community
      b. ICG should expand its scope as a neutral body that coordinates the transition efforts of the three communities

B. In general, post-transition
   1. Nominet-47: there may be value in ensuring liaison or communication channels to share information about operational issues or decisions
   2. IAB-72: IAB/IETF have many informal relationships plus liaisons to ICANN Board and RSSAC; prefer informal coordination going forward
   3. ICANN Board-121: Implication of need for coordination for jointly managed registries

Process issues

- Any issues raised that warrant discussion?

Institutionalization of NTIA criteria

- Need volunteer to draft text for Part 0